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**DOCKETED**  
UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, Virginia 22313-1450  
**BROMBERG & SUNSTEIN**

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/850,123	05/07/2001	Ian Hunter	1118/175	1166

2101 7590 02/02/2004  
**BROMBERG & SUNSTEIN LLP**  
125 SUMMER STREET  
BOSTON, MA 02110-1618

**EXAMINER**

SODERQUIST, ARLEN

**ART UNIT** **PAPER NUMBER**

1743

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/850123

FEB 04 2004

COMMISSIONER FOR PATENT AND TRADEMARKS  
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ALEXANDRIA, VA 22313  
www.uspto.gov

BROMBERG &amp; SUNSTEIN

Paper No.

## Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 1-12-04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required: **Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted.** 37 CFR 1.121(h).

## THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
  - ☐ B. New paragraph(s) should not be underlined.
  - ☐ C. Other \_\_\_\_\_
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
  - ☐ B. Other \_\_\_\_\_
- ☐ 3. Amendments to the drawings: \_\_\_\_\_
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
  - ☒ B. The listing of claims does not include the text of all claims (including withdrawn claims)
  - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.
  - ☒ D. The claims of this amendment paper have not been presented in ascending numerical order.
  - ☒ E. Other: HAS TO SAY CURRENTLY AMENDED.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. **The period for response to a final rejection continues to run from the date set in the final rejection**, and is not affected by the non-compliant status of the amendment.

*Aupta Gue*  
Legal Instruments Examiner (LIE)

571-272-1041  
Telephone No.



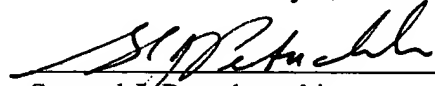
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Hunter et al. Att'y Docket: 1118/175  
Serial No: 09/850,123 Art Unit: 1754  
Date Filed: May 7, 2001 Examiner: Soderquist, A.  
Invention: METHODS FOR SCREENING SUBSTANCES IN A MICROWELL  
ARRAY

\*\*\*\*\*

CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on February 6, 2004.

  
Samuel J. Petuchowski

\*\*\*\*\*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE A

Dear Sir:

In response to the Office Action mailed on October 10, 2003, please amend the above application as follows:

**Amendments to the Specification** are to be found on page 2 of this paper.

**A Listing of Claims**, including amendments, begins on page 3 of this paper.\*

**Remarks/Arguments** begin on page 9.

\* In response to the Notice of Non-Compliant Amendment mailed on February 2, 2004, two occurrences of the word "Presently" have been corrected to read "Currently", on pages 6 and 7, in compliance with 37 CFR 1.121(c).



Image 1754

Practitioner's Docket No. 1118/175

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Ian Hunter, Colin J.H. Brennan and Tanya S. Kanigan

Application No.: 09/850,123

Group No.: 1754

Filed: 05/07/2001

Examiner: Soderquist, A.

For: Methods for Screening Substances in a Microwell Array

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application. The amendment is being re-submitted in response to a Notice of Non-Compliant Amendment dated February 2, 2004, a copy of which is enclosed.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

**CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10\***

*(When using Express Mail, the Express Mail label number is mandatory;  
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10\*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. \_\_\_\_\_ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) \_\_\_\_\_

  
Signature

Date: February 6, 2004

Samuel J. Petuchowski

*(type or print name of person certifying)*

\* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

### FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA				ADDIT. FEE
TOTAL	27	- 28	= 0	x	\$	18.00	= \$ 0.00
INDEP.	13	- 13	= 0	x	\$	86.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+	\$	0.00	= \$ 0.00
						TOTAL ADDIT. FEE	\$ 0.00

No additional fee for claims is required.

### FEE DEFICIENCY

5. If any additional extension and/or fee is required, charge Account No. 19-4972.

Date: February 6, 2004



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